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July 13, 2023

VIA ECF

Honorable Jennifer E. Willis, U.S.M.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Franco v. 380 Second LLC, et al.*, Case No. 1:22-cv-04011-PAE-JW

Dear Judge Willis:

I represent defendant 380 Second LLC ("380 Second") in the above-referenced matter. On July 7, 2023, Your Honor issued an Order setting oral argument for July 26, 2023 with respect to the Defendants' motion to stay this matter pending the completion of certain remediation efforts at the subject property. (Dkt. No. 67). I write to request that the oral argument on Defendants' motion to stay this action be rescheduled to another date because I will be traveling internationally on a family vacation from July 26, 2023 through August 5, 2023 and, therefore, am unable to attend the oral argument which is currently scheduled for July 26, 2023. I have conferred with counsel for Plaintiff and counsel for Defendant Small Door Gramercy LLC, and both parties consent to this requested adjournment. In addition, the parties have confirmed regarding availability and all parties are available on the following dates for oral argument should the Court grant this request: (i) August 11, 2023; (ii) August 15, 2023, after 3:00pm; or (iii) August 16, 2023.

In addition, out of an abundance of caution, I am also writing to confirm that the July 14, 2023 deadline for the parties to file pre-motion letters in connection with any anticipated motions for summary judgment is being held in abeyance pending the oral argument on the motion to stay. In Defendants' letter motion to stay, Defendants identified that the proposed stay would affect the July 14, 2023 deadline for the parties to file pre-motion letters in connection with any anticipated motions for summary judgment. (Dkt. No. 64). Since oral argument has been scheduled with respect to Defendants' motion to stay, I assume that the July 14th deadline is no longer in affect, but the Court's confirmation that such deadline is being held in abeyance would be greatly appreciated.

I appreciate Your Honor's consideration of this request, and thank the Court for its time and attention to this matter..

Respectfully submitted,

/s/ Sean J. Kirby
Sean J. Kirby

cc: All counsel of record (via ECF)